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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	<b>Application Number</b>	09/367,666	
	<b>Filing Date</b>	February 18, 1998	
	<b>First Named Inventor</b>	Klockseth, Martinus, et. al.	
	<b>Group Art Unit</b>		
	<b>Examiner Name</b>	George M. Dombroske	
<b>Total Number of Pages in This Submission</b>		<b>Attorney Docket Number</b>	11045001100

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input checked="" type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <b>Renewed Petition Under 37 CFR 1.47(a); Exhibit A; Exhibit b; Postcard</b>
<b>Remarks</b>		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.  <b>RECEIVED</b>  MAR 08 2001  <b>OFFICE OF PETITIONS</b>

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
<b>Firm and Individual name</b>	Townsend and Townsend and Crew LLP Kevin T. LeMond Reg No. 35,933
<b>Signature</b>	
<b>Date</b>	2/27/01

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <u>2/27/01</u>			
<b>Typed or printed name</b>	Lata Olivier		
<b>Signature</b>		<b>Date</b>	2/27/01

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SF 1194537 v1

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Assistant Commissioner for Patents  
Washington, D.C. 20231

On February 27, 2001

TOWNSEND and TOWNSEND and CREW LLP

By: *Lata Olivier*  
Lata Olivier

PATENT  
Attorney Docket No.: 11045-001100US  
Client Reference No.: 86323



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

MARTINUS OLIVER  
KLOCKSETH, et al.

Application No.: 09/367,666

Filed: February 18, 1998

For: PRESSURE COMPENSATING  
VALVE

Examiner: George M. Dombroske

Art Unit:

RENEWED PETITION UNDER 37 CFR  
§ 1.47(a)

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MAR 08 2001

**OFFICE OF PETITIONS**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the decision on Petition under 37 CFR § 1.47(a) mailed August 31, 2000, Applicants hereby renew the Petition to have the previously submitted Declaration accepted by the U.S. Patent and Trademark Office for U.S. Patent Application, Serial No. 09/367,666, without the signatures of the other two co-inventors, specifically, Oliver Klockseth and Bengt Jervmo.

Applicants submit herewith Exhibit A, which is a returned registered mailing to Mr. Bengt Jervmo at his last known address of Green Point, New South Wales in Australia. It is respectfully submitted that Applicants have no idea where else to look for Mr. Jervmo. Applicants respectfully submit that the Green Point address is in fact Mr. Jervmo's last known address and that he has now truly disappeared. It is respectfully submitted that the envelope included a declaration for the inventor's signature.

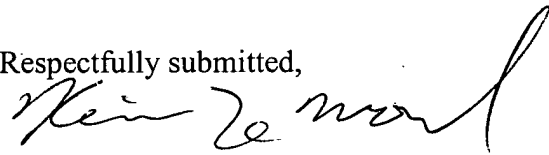
With regard to Mr. Klockseth, Exhibit B includes letters and documents that the assignees, attorneys in Australia have provided documenting their attempts to have Mr. Klockseth

sign a declaration. From Exhibit B, it is apparent that Mr. Klockseth is unwilling to execute the declaration. It is respectfully submitted that Exhibit B provides factual proof that the missing joint inventor refuses to execute the application (the declaration) and that diligent effort has been put forth to obtain his execution.

The petition fee has been previously paid. However, the Commissioners are hereby authorized to charge any additional fees associated with this paper or during the pendency of this Application, or credit any overpayment, to deposit account no. 20-1430.

This renewed Petition pursuant to 37 CFR §1.47(a) is submitted in triplicate.

Respectfully submitted,



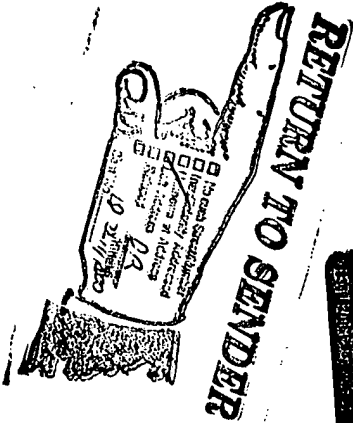
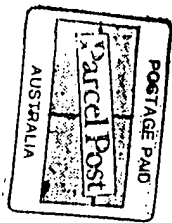
Kevin T. LeMond  
Reg. No. 35,933

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300  
KTL:blj  
SF 1192876 v1

Postal Address: Private Bag 1001,  
Mona Vale NSW 2103



AK



M.R. Benet Jerum  
40 James St  
Green Point  
2051



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Signature of Delivery Officer

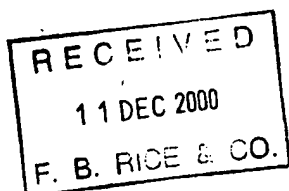
Date delivered

/ /

EXHIBIT A



EXHIBIT B



LAWYERS

TO	Chris O'Sullivan	FROM	Peter Leonard
AT	FB Rice & Co	DIRECT LINE	9263 4363
FACSIMILE	9810 8200	OUR REF	PGL:200024
DATE	11 December 2000	PAGES	9

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If you receive this facsimile in error, please notify us immediately and we will arrange for its return at our expense.

Dear Mr O'Sullivan

**SAFETY EQUIPMENT SWEDEN AB - OLIVER KLOCKSETH**

I refer to our telephone conversation today and enclose letter in relation to Oliver Klockseth.

Yours sincerely

Peter G Leonard



**GILBERT  
TOBIN**

Our client ref: PGL:200024  
Direct line: 9263 4003  
email: pleonard@gtlaw.com.au  
Partner: Peter Leonard

LAWYERS

2 Park Street  
Sydney NSW 2000  
Australia  
GPO Box 3810  
Sydney NSW 1042  
DX 10348 SSE  
email@gtlaw.com.au  
www.gtlaw.com.au  
Facsimile + 61 2 9263 4111  
Telephone + 61 2 9263 4000

11 December 2000

Mr Chris O'Sullivan  
F B Rice & Co  
Patent & Trademark Attorneys  
PO Box 117  
BALMAIN NSW 2041

Dear Mr O'Sullivan

**SAFETY EQUIPMENT SWEDEN AB  
UNITED STATES OF AMERICA PATENT APPLICATION NO 09/367666  
(NATIONAL PHASE OF PCT/AU98/00099)  
ENTITLED: "PRESSURE COMPENSATING VALVE"**

I refer to the decision of the U.S.A. Department of Commerce Patent and Trade Mark Office dated 31 August 2000.

Our efforts to contact Mr Oliver Klockseth have been as follows:

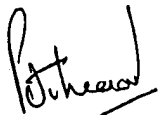
- We were initially unable to locate Mr Klockseth, who changed residential and business address without notifying Safety Equipment Sweden AB.
- After we obtained new contact details for Mr Klockseth by search of statutory corporate records of a company associated with him, we telephoned him and asked him for a contact address to forward documents to him. He provided us with a fax number.
- We then forwarded to Mr Klockseth, at the fax number he gave to us, a copy of an assignment of the abovementioned patent application and a declaration and Power of

Attorney form in relation to that application. A copy of our fax to Mr Klockseth dated 27 November 2000 is attached to this letter.

- We spoke to Mr Klockseth on two occasions asking him to promptly attend to execution of the documents attached to the attached fax. On each occasion he said words to the effect that he would consider his position and respond to me (Peter Leonard).
- I telephoned him again today, 11 December 2000, and asked him whether he had signed the document. He said to me words to the effect that he did not intend to sign the documents because he was not willing to sign further documents in favour of Safety Equipment without further payment of an amount calculated as one half of his salary for the three and a half years prior to the date of termination of his consultancy arrangements with Safety Equipment. I then said words to the effect that no further payment was due to him under the agreement which he had signed and that the documents that he was now being asked to sign were consistent with that agreement. He said words to the effect that he was not willing to discuss the matter further with me and that if Mr Berndtsson [the Managing Director of Safety Equipment Sweden AB and Safety Equipment Australia Pty Limited] wanted to call him to discuss further payment, he [Mr Klockseth] was willing to receive a call.

Please contact me should you require any further information.

Yours sincerely



Peter G Leonard  
Partner  
Gilbert & Tobin Lawyers



GILBERT  
TOBIN

LAWYERS

TO Oliver Klockseth FROM Peter Leonard  
AT Scandig Designs & Holdings OUR REF 999999  
Pty Limited PAGES 5  
FACSIMILE 9939 0381  
DATE 27 November 2000

**URGENT**

This facsimile is solely for the use of the addressee and may contain information which is confidential or privileged.  
If you receive this facsimile in error, please notify us immediately and we will arrange for its return at our expense.

Dear Mr Klockseth

**SAFETY EQUIPMENT SWEDEN AB - UNITED STATES OF AMERICA PATENT  
APPLICATION NO 09/367666 - "PRESSURE COMPENSATING VALVE"**

I refer to our telephone conversation today.

I attach three pages, being copy of a US assignment of the abovementioned patent application and a declaration and power of attorney form in relation to that application.

You will recall that the 4 March 1998 agreement between SEA, Goran, Scandig and yourself superseded the original agreement (dated 24 February 1995). You agreed to assign worldwide rights in the patent application which is the subject of the attached documents. You also agreed to sign all documents necessary to effect the assignment and assist the patent application for the pressure compensating valve.

The attached documents are in the form required by the US Patent Office (1) to evidence your assignment of the invention and (2) to enable subsequent documents to be signed by the patent attorney without any further requirement to have those documents signed by you.

271169\_1.DOC 27/11/00 15:52

Page 1

2 Park Street Sydney NSW 2000 Australia GPO Box 3810 Sydney NSW 1042 DX 10348 SSE  
email @gtlaw.com.au www.gtlaw.com.au Telephone + 61 2 9263 4000 Facsimile + 61 2 9263 4111

P.4/9 010.418

GILBERT & TOBIN 61 2 92634111

11 DEC 2000 17:35

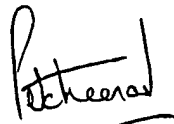


The assignment is in the name of Safety Equipment Sweden AB. This is because Safety Equipment Australia Pty Limited assigned the patent application to its related body corporate, Safety Equipment Sweden AB.

If you have any questions at all about the forms please give me a call on 9263 4003.

Unfortunately, we need the forms signed urgently in order to progress the US patent application without incurring significant late lodgment fees. For this reason I would like to get the signed forms back by return. I would be happy to arrange for a courier to collect the signed forms. Perhaps you might also call me to discuss this once you have reviewed the forms.

Yours sincerely



Peter G Leonard

61 2 9810 8200

Docket No. \_\_\_\_\_

## U.S. ASSIGNMENT

IN CONSIDERATION of the sum of One Dollar (\$1.00), and of other good and valuable consideration paid to the undersigned inventor(s) (hereinafter ASSIGNOR) by

(Insert  
ASSIGNEE's  
Name(s) &  
Address(es))

SAFETY EQUIPMENT SWEDEN AB of North Shore Business Park, 35/1 Jubilee Avenue, Warriewood, New South Wales, 2102, Australia

(hereinafter ASSIGNEE), the receipt of which is hereby acknowledged, the undersigned ASSIGNOR hereby sells, assigns and transfers to ASSIGNEE the entire and exclusive right, title and interest to the invention entitled

(Title of  
Invention)

"Pressure compensating valve"

(\*If the  
assignment is  
being filed after  
the filing of the  
application,  
this section  
must be  
completed)

for which application for Letters Patent of the United States was executed on even date herewith unless otherwise indicated below: \_\_\_\_\_

\* filed on

, Serial No.

and all Letters Patent of the United States to be obtained therefor on said application or any continuation, division, renewal, substitute, reissue or reexamination thereof for the full term or terms for which the same may be granted.

The ASSIGNOR agrees to execute all papers necessary in connection with application and any continuing, divisional, reissue or reexamination applications thereof and also to execute separate assignments in connection with such applications as the ASSIGNEE may deem necessary or expedient.

The ASSIGNOR agrees to execute all papers necessary in connection with any interference, litigation, or other legal proceeding which may be declared concerning this application or any continuation, division, reissue or reexamination thereof or Letters Patent or reissue patent issued thereon and to cooperate with the ASSIGNEE in every way possible in obtaining and producing evidence and proceeding with such interference, litigation, or other legal proceeding.

IN WITNESS WHEREOF, the undersigned inventor(s) has (have) affixed his/her/their signature(s).

(Signatures)

_____ (SIGNATURE)	<u>Martinius Oltner KLOCKSETH</u> (TYPE NAME)	_____ (DATE)
_____ (SIGNATURE)	<u>Bengt Yngve Koland JERVMO</u> (TYPE NAME)	_____ (DATE)
_____ (SIGNATURE)	<u>Goran Bertil Claes BERNDTSSON</u> (TYPE NAME)	_____ (DATE)

NO LEGALIZATION REQUIRED



06/11 '00 MON 14:03 FAX 61 2 9810 8200

F & RICE & CO.

0003

61 2 9810 8200

Attorney Docket No.: 11045-11US  
Client Reference No.: 86323

### DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **PRESSURE COMPENSATING VALVE** the specification of which \_\_\_\_\_ is attached hereto or X was filed on Feb 18, 1998 as Application No. 09/367,666 and was amended on \_\_\_\_\_ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

#### Prior Foreign Application(s)

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Kevin T. LeMond, Reg. No. 35,933  
J. Georg Seka, Reg. No. 24,491

Send Correspondence to:	Direct Telephone Calls to:
Kevin T. LeMond TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8 <sup>th</sup> Floor San Francisco, California 94111-3834	(Name, Reg. No., Telephone No.) Name: Kevin T. LeMond Reg. No.: 35,933 Telephone: 415-576-0200

06/11 '00 MON 14:04 FAX 61 2 9810 8200

F H RICE &amp; CO.

004

61 2 9810 8200

Attorney Docket No.: 11045-11US  
Client Reference No.: 86323

Full Name of Inventor 1:	Last Name: KLOCKSETH	First Name: Martinus	Middle Name or Initial: Oliver
Residence & Citizenship:	City: Belrose	State/Foreign Country: NSW AUSTRALIA	Country of Citizenship: Sweden
Post Office Address:	Post Office Address: 90 Ashworth Avenue	City: Belrose	State/Country: NSW Postal Code: 2085
Full Name of Inventor 2:	Last Name: ROLAND	First Name: Bengt	Middle Name or Initial: Yngve
Residence & Citizenship:	City: Greenpoint	State/Foreign Country: NSW AUSTRALIA	Country of Citizenship: Sweden
Post Office Address:	Post Office Address: 40 James Sea Drive	City: Greenpoint	State/Country: NSW Postal Code: 2251
Full Name of Inventor 3:	Last Name: BERNDTSSON	First Name: Goran	Middle Name or Initial: Bertil Claes
Residence & Citizenship:	City: Elanora Heights	State/Foreign Country: NSW AUSTRALIA	Country of Citizenship: Australia
Post Office Address:	Post Office Address: 19 Carr Free Road	City: Elanora Heights	State/Country: NSW Postal Code: 2101

I, her declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1	Signature of Inventor 2	Signature of Inventor 3
<u>Martinus Oliver Klockseth</u>	<u>Bengt Yngve Roland</u>	<u>X</u> <u>Goran Bertil Claes Berndtsson</u>
Date	Date	Date <u>X</u>

SF 1046510 v1





Dear Mr Klockseth

**SAFETY EQUIPMENT SWEDEN AB - UNITED STATES OF AMERICA PATENT  
APPLICATION NO 09/367666 - "PRESSURE COMPENSATING VALVE"**

I refer to our telephone conversation today.

I attach three pages, being copy of a US assignment of the abovementioned patent application and a declaration and power of attorney form in relation to that application.

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Page 1

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2 Park Street Sydney NSW 2000 Australia GPO Box 3810 Sydney NSW 1042 DX 10346 68E  
email @gtlaw.com.au www.gtlaw.com.au Telephone + 61 2 9283 4000 Facsimile + 61 2 9283 4111

NOICTION CONNECTION  
E-4) NO ANSWER  
E-2) BUSY

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E-1) HANG UP OR LINE FAIL  
E-3) NO ANSWER

FILE MODE OPTION ADDRESS (GROUP) RESULT PAGE  
TTI GILBERT & TOBIN 61 2 92634111  
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COMMUNICATION RESULT REPORT ( 27.NOV.2000 15:58 ) \* \* \*  
P. 1  
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